

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERREL WILLIAMS,

Plaintiff,

v.

WONG, et al.,

Defendants.

No. 2:19-CV-2611-KJM DMC P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On October 27, 2021, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

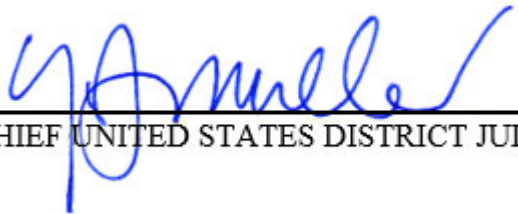
The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the court finds the findings and recommendations to be supported by

the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, ECF No. 12, are adopted in full;<sup>1</sup>
2. Cates and Lizarraga are dismissed as defendants to this action for failure to state a claim;
3. The case shall proceed on plaintiff's Eighth Amendment medical care claim against defendant Wong only; and
4. This case is referred back to the assigned magistrate judge for all further pretrial proceedings.

DATED: January 11, 2022.

  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The court does not adopt the apparent typographical errors on the first page, which indicate plaintiff did not file a first amended complaint. *See* Finding and Recommendation at 1, ECF No. 1. The operative complaint is plaintiff's first amended complaint. First Am. Compl., ECF No. 8. The magistrate judge ordered plaintiff to file a second amended complaint. Prev. Order (Aug. 4, 2021), ECF No. 10, and plaintiff has not complied.